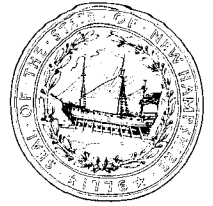




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Jeffrey Bemis
d/b/a Bemis Group, LLC
218 Rte 12 North
Fitzwilliam, NH 03447

Re: Operating without a
Water Well Contractor's License
and Pump Installer's License

ADMINISTRATIVE ORDER
No. WD 05-029

September 29, 2005

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division, to Jeffrey Bemis d/b/a Bemis Group, LLC, apparently doing business as McKenna Water Systems, pursuant to RSA 482-B:16, I. This order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), is a duly-constituted administrative agency of the State of New Hampshire, having its principal offices at 29 Hazen Drive, Concord, NH.
2. Jeffrey Bemis d/b/a Bemis Group, LLC, apparently doing business as McKenna Water Systems is an individual having a mailing address of 218 Rte 12 North, Fitzwilliam, NH 03447.

C. STATEMENT OF FACTS AND LAW

1. RSA 482-B regulates water well contractors and pump installers and establishes the NH Water Well Board ("Board"). Pursuant to rulemaking authority conferred by RSA 482-B:4, the Board has adopted rules to implement this regulatory program (We 100 to 1000, "Water Well Rules"). Under RSA 482-B:8 and RSA 482-B:16, DES has concurrent authority with the Board to enforce RSA 482-B and the Water Well Rules.
2. On September 22, 2005, DES staff observed a rotary drill machine identified with the name "McKenna Water Systems" set up on the property located at 186 Green Farm Road, New Ipswich, New Hampshire. DES staff also observed that well construction had been in progress and the crew was troubleshooting a breakdown.
3. DES staff spoke with Jeffery Bemis, the owner of the drill machine, and advised Mr. Bemis to cease operation until the company's license status was affirmed. Mr. Bemis agreed but expressed concern that the company had several wells scheduled for construction.

4. RSA 482-B:5 requires a person to obtain a water well contractor license and a pump installer license before engaging in the business of constructing a well or installing a pump.
5. On July 28, 2005 Jeffery Bemis d/b/a Bemis Group, LLC, submitted applications to the Board for a water well contractor's license and a pump installer's license. The water well contractor and pump installer licenses have not been issued as of this date.
6. Neither Jeffery Bemis nor Bemis Group, LLC, is a licensed water well contractor in the State of New Hampshire. Neither Jeffery Bemis nor Bemis Group, LLC, is authorized to drill wells as McKenna Water Systems.
7. Neither Jeffery Bemis nor Bemis Group, LLC, is a licensed pump installer in the State of New Hampshire. Neither Jeffery Bemis nor Bemis Group, LLC, is authorized to install pumps as McKenna Water Systems.

D. DETERMINATION OF VIOLATION

1. Jeffery Bemis has violated RSA 482-B:5 by engaging in the business of well construction without first having obtained a water well contractor license.

E. ORDER

Based on the above findings and determination, DES hereby orders Jeffery Bemis as follows:

1. Immediately cease and desist from engaging, or offering to engage, in the business of well construction until such time as you have obtained a water well contractor license issued by the Board.
2. Immediately cease and desist from engaging, or offering to engage, in the business of pump installation until such time as you have obtained a pump installer license issued by the Board.
3. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:


Richard P. Schofield, P.G., Water Well Program Manager / WSEB
DES - Water Division
PO Box 95
Concord, NH 03302-0095
Fax: (603) 271-5171
e-mail: rschofield@des.state.nh.us


F. APPEAL

Any person aggrieved by this Order may appeal the Order to the Water Well Board, by filing an appeal that meets the requirements specified in We 200 within 30 days of the date of this Order. Copies of the rules are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve you of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 482-B:16 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. You remain obligated to comply with all applicable requirements. DES will continue to monitor your compliance with applicable requirements and will take appropriate action if additional violations are discovered.


COPY
Harry T. Stewart, P.E., Director
Water Division


COPY
Michael P. Nolin, Commissioner
Department of Environmental Services

Certified Mail/RRR #[7000 0600 0023 9935 7836]

cc: Gretchen R. Hamel, Legal Unit Administrator ✓
DES PIP Office
Sarah Pillsbury, Administrator, WSEB
Water Well Board
Anne Edwards, Esq. - AGO
Jennifer J. Patterson, Esq. - AGO
File